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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JOHN EDWARD ROACH,

12 Petitioner,

13 v.

14 ELDON VAIL,

15 Respondent.

16 Case No. C09-5155FDB/JRC

17 ORDER DIRECTING SERVICE AND
18 RETURN OF THE AMENDED § 2254
19 PETITION

20 In response to an order, petitioner has amended his petition to name Eldon Vail as a
21 respondent. Petitioner has also provided service copies (Dkt # 8).

22 (1) The clerk shall arrange for service by certified mail upon respondent and the
23 Attorney General for the State of Washington, copies of the petition, all documents in support
24 thereof. All costs of service shall be advanced by the United States. The Clerk shall assemble
25 the necessary documents to effect service. In addition, the Clerk shall send petitioner a copy of
26 this Order, along with a copy of the Court's General Order regarding pro se litigation.

27 (2) Within forty-five (45) days after such service, respondent(s) shall file and serve
28 an answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States
29 District Courts. As part of such answer, respondent(s) should state whether petitioner has
30 exhausted available state remedies, whether an evidentiary hearing is necessary, and whether

31 ORDER - 1

1 there is any issue of abuse or delay under Rule 9. Respondent shall not file a dispositive motion
2 in place of an answer without first showing cause as to why an answer is inadequate.

3 Respondent(s) shall file the answer with the Clerk of the Court and serve a copy of the answer
4 upon petitioner.

5 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly,
6 upon receipt of the answer the Clerk will note the matter for consideration on the fourth Friday
7 after the answer is filed, petitioner may file and serve a response not later than on the Monday
8 immediately preceding the Friday appointed for consideration of the matter, and respondent may
9 file and serve a reply brief not later than on the Thursday immediately preceding the Friday
10 designated for consideration of the matter.

11 DATED this 15th day of September, 2009.
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15 J. Richard Creatura
United States Magistrate Judge
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